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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

## **EDWIN HAMID NAHAVANDI,**

Plaintiff,

V.

**BOARD OF TRUSTEES OF THE  
CALIFORNIA STATE  
UNIVERSITY (the State of  
California acting in its higher  
education capacity),**

**Defendant.**

2:24-cv-03791 RGK(Ex)

**DISCOVERY MATTER: LOCAL  
RULE 37 JOINT STIPULATION IN  
SUPPORT OF DEFENDANT'S  
MOTION FOR TERMINATING  
SANCTIONS AND MONETARY  
SANCTIONS OR, IN THE  
ALTERNATIVE, EVIDENTIARY  
SANCTIONS**

Date: March 28, 2025

Date: March 23  
Time: 9:30 a.m.

Courtroom: 750

Judge: Magistrate Judge  
Charles F. Eick

Discovery Cutoff: April 11, 2025  
Part 1 of 5

Pretrial Conference: June 23, 2025  
Trial Date: July 8, 2025

Trial Date: July 8, 2025  
Action Filed: May 7, 2024

Action Filed: May 7, 2024

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## **INTRODUCTORY STATEMENTS**

## I. MOVING PARTY CSU

Defendant Board of Trustees of the California State University (CSU or Moving Party) moves for sanctions against Plaintiff Edwin Hamid Nahavandi (Plaintiff) for his failure to comply with Magistrate Judge Charles F. Eick’s Discovery Order, dated December 18, 2024, instructing Plaintiff to “serve written Rule 26(a) initial disclosures” and “serve without objection verified answers to the subject interrogatories[.]” Discovery (Disc) Order 2-3, ECF 67; Matsushima Decl., **Ex. A.** Plaintiff has failed to serve responses that comply with the Discovery Order or the applicable Federal Rules of Civil Procedure, which is tantamount to serving no responses at all. Specifically, while Plaintiff’s discovery responses vaguely reference his unverified Complaint and other Court filings, he fails to provide substantive information or identify with any specificity *where* in these documents the responsive information may be found. *See* Matsushima Decl., **Exs. B-D.**

CSU respectfully requests terminating sanctions and attorney's fees or, in the alternative, evidentiary sanctions against Plaintiff. Plaintiff's ongoing refusal to meaningfully participate in discovery in this matter has severely prejudiced CSU's ability to investigate the basis for his allegations, meaningful evaluate resolution options, or prepare its defense, and Plaintiff cannot be permitted to benefit from his impertinence and disregard for basic procedure.

Prior to bringing this motion, on January 27, 2025, CSU’s counsel sent Plaintiff a letter detailing the deficiencies in his discovery responses. Matsushima Decl., **Ex. E**. The parties then conferred in person after Plaintiff’s deposition on January 29, 2025. Matsushima Decl., ¶¶ 12-13. During the conference, CSU’s counsel explained that Plaintiff’s discovery responses were deficient, particularly because they only vaguely referenced his own Complaint and other filings without providing substantive responses or sufficient detail. *Id.* CSU’s counsel expressly

1 noted that failure to provide compliant responses could result in monetary,  
2 terminating, or evidentiary sanctions. *Id.* Plaintiff, however, stated that he would  
3 not amend his interrogatory responses, and he affirmed that he was resting on the  
4 statements in his Complaint and other court filings. *Id.* This Motion follows.

5 The Moving Party's Position is restated almost verbatim regarding Special  
6 Interrogatory Nos. 2 through 24. CSU repeats its position as to each interrogatory  
7 solely to conform to the Local Rule 37-2.1 Joint Stipulation formatting  
8 requirements.

9 **II. OPPOSING PARTY**

10 Plaintiff provided his response in a separate document. *See* Matsushima Decl.,  
11 ¶ 18, Ex. I.

12 **INITIAL DISCLOSURES**

13 **I. MOVING PARTY'S REQUESTED INFORMATION – INITIAL DISCLOSURES**

14 Defendant requested written disclosures that comply with Federal Rules of  
15 Civil Procedure, rule 26 (a)(1)(A)(i), including “the name and, if known, the  
16 address and telephone number of each individual likely to have discoverable  
17 information—along with the subjects of that information—that the disclosing party  
18 may use to support its claims or defenses, unless the use would be solely for  
19 impeachment[.]”

20 **II. RESPONDING PARTY'S “WRITTEN DISCLOSURES”**

21 Plaintiff's written disclosures consist of his statement that “The entities along  
22 with the subjects of that information as characterized by Plaintiff's given  
23 information towards case number 2:24-cv-03791 serves as the true disclosure.  
24 Defendant CSU has records pertaining to this information under their control and  
25 custody, for possession.”

26 **III. MOVING PARTY'S POSITION**

27 Plaintiff has failed to provide written disclosures in compliance with the  
28 Federal Rules of Civil Procedure or this Court's Discovery Order. His “Written

1 Disclosures” are vague, nonresponsive, and incomprehensible, which is tantamount  
2 to serving no disclosure at all. Fed. R. Civ. P. 37(a)(4). Plaintiff’s repeated failures  
3 to serve compliant responses thwarts the very purpose of discovery, which is “to  
4 remove surprise from trial preparation so the parties can obtain evidence necessary  
5 to evaluate and resolve their dispute.” *U.S. ex rel. Schwartz v. TRW, Inc.*, 211  
6 F.R.D. 388, 392 (C.D. Cal. 2002) (citing *Oakes v. Halvorsen Marine Ltd.*, 179  
7 F.R.D. 281, 283 (C.D.Cal.1998)).

8 Sanctions are appropriate here. “If a party fails to disclose information  
9 required by Rule 26 then exclusion of the evidence under Federal Rule of Civil  
10 Procedure 37 is proper ‘unless the failure to disclose was substantially justified or  
11 harmless.’” *Santa Clarita Valley Water Agency v. Whittaker Corp.*, 99 F.4th 458,  
12 470 (9th Cir. 2024) (quoting *Hoffman v. Constr. Protective Servs. Inc.*, 541 F.3d  
13 1175, 1179 (9th Cir. 2008)). Moreover, a terminating sanction is justified based  
14 upon a showing of “willfulness, bad faith, and fault.” *Connecticut Gen. Life Ins.  
Co. v. New Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007)  
15 (discussing the factors to consider when evaluating appropriateness of terminating  
16 sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). The party facing sanctions ““carries the  
17 burden of demonstrating that the failure to comply with” disclosure rules “is  
18 substantially justified or harmless.”” *Haas v. Travelex Ins. Servs. Inc.*, 679 F. Supp.  
19 3d 962, 966 (C.D. Cal. 2023) (quoting *Jarrow Formulas, Inc. v. Now Health Grp.,  
Inc.*, No. CV 10-8301 PSG (JCx), 2012 WL 3186576, at \*15 (C.D. Cal. Aug. 2,  
2012)).

23 Plaintiff has failed to comply with the very basic requirements of Rule  
24 26(a)(1)(A)(i), namely his duty to provide the names of individuals “likely to have  
25 discoverable information,” which will help CSU investigate Plaintiff’s claims and  
26 develop its own defense. In fact, despite initiating this action in May 2024,  
27 Plaintiff has provided *no substantive written responses at all*, either via Written  
28 Disclosure or in response to discovery requests. Plaintiff’s failure to meaningfully

1 participate in the discovery process has prejudiced CSU's ability to evaluate and/or  
2 resolve this dispute. This matter cannot be tried on the merits because CSU  
3 currently has no access to the "true facts" of the case, beyond the information  
4 within its own possession. *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096.  
5 Importantly, this Court already warned Plaintiff of the potential for sanctions,  
6 including termination sanctions, that may result from his "failure timely to comply  
7 fully" with the Court's Discovery Order. Disc. Order 2-3, ECF 67; Matsushima  
8 Decl., Ex. A.

9 Due to Plaintiff's failure to comply with this Court's Discovery Order, CSU  
10 seeks sanctions, including attorney's fees and dismissal of this action or, in the  
11 alternative, an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P.  
12 37(b)(2)(A)(ii), (v).

13 **IV. OPPPOSING PARTY'S POSITION**

14 Plaintiff provided his response in a separate document. *See* Matsushima Decl.,  
15 ¶ 18, Ex. I.

16 **SPECIAL INTERROGATORIES (SET 1)**

17 **I. INTERROGATORY No. 1**

18 **Interrogatory:** IDENTIFY YOUR roommate(s), as referenced in paragraphs  
19 10 through 15, 49, and 99 of the COMPLAINT.

20 **Response:** Plaintiff, a witness to the events, provides this response based on  
21 either his current recollection, memory, and information reasonably available, or its  
22 entirety. Both roommates were pronounced as "KRIS-chen", as their names reflect  
23 on such contextual pronunciation towards their legal names. Defendant CSU has  
24 records pertaining to this information under their control and custody, for  
25 possession, of all Plaintiff's roommates contextually pronounced as "KRIS-chen".

26 **Moving Party's Position:** A party may serve on any other party written  
27 interrogatories that "may relate to any matter that may be inquired into under Rule  
28 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the

1 party to whom they are directed,” and the answering party must sign the responses.  
2 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

3 In responding to discovery, an “evasive or incomplete disclosure, answer, or  
4 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
5 have “unambiguously” rejected as deficient the assertion that the requested  
6 information is already in the propounding party’s possession. *Nat’l Acad. of*  
7 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
8 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
9 ““answer an interrogatory by specifying records from which the answers may be  
10 obtained and by making the records available for inspection,”” a “party that elects  
11 to avail itself of this option . . . must ‘specify where in the records the answers  
12 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
13 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
14 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
15 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

16 If a party “fails to obey an order to provide or permit discovery,” the court  
17 may “issue further just orders,” including: prohibiting the disobedient party from  
18 supporting or opposing designated claims or defenses, or from introducing  
19 designated matters in evidence; striking pleadings in whole or in part; dismissing  
20 the action or proceeding in whole or in part; or rendering a default judgment against  
21 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
22 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
23 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
24 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
25 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
26 discovery violations make it impossible for a court to be confident that the parties  
27 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
28 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions

1     “carries the burden of demonstrating that the failure to comply with” disclosure  
2     rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
3     (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

4         Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
5     of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
6     Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
7     the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
8     Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
9     response to each and every interrogatory referring to his prior court filings, which is  
10   tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
11   repeated failures to serve compliant responses thwarts the very purpose of  
12   discovery, which is “to remove surprise from trial preparation so the parties can  
13   obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
14   *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

15         Plaintiff’s failure to meaningfully participate in the discovery process has  
16   prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
17   be tried on the merits because CSU currently has no access to the “true facts” of the  
18   case, beyond the information within its own possession. Importantly, this Court  
19   already warned Plaintiff of the potential for sanctions, including termination  
20   sanctions, that may result from his “failure timely to comply fully” with the Court’s  
21   Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
22   Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
23   sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
24   an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

25         **Opposing Party’s Position:** Plaintiff provided his response in a separate  
26   document. *See* Matsushima Decl., ¶ 18, Ex. I.

27         **II. INTERROGATORY NO. 2**

28         **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that

1 YOU experienced Antisemitic rhetoric and harassment from YOUR roommate(s).

2       **Response:** Plaintiff provides this response based on either his current  
3 recollection, memory, and information reasonably available, or its entirety.  
4 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
5 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
6 of Plaintiff's previously stated emphasis aforementioned above, the claims in  
7 Plaintiff's *Complaint* serve as the true integrity of the response to this interrogatory.

8       **Moving Party's Position:** A party may serve on any other party written  
9 interrogatories that "may relate to any matter that may be inquired into under Rule  
10 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
11 party to whom they are directed," and the answering party must sign the responses.  
12 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

13       In responding to discovery, an "evasive or incomplete disclosure, answer, or  
14 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
15 have "unambiguously" rejected as deficient the assertion that the requested  
16 information is already in the propounding party's possession. *Nat'l Acad. of  
Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
17 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
18 "answer an interrogatory by specifying records from which the answers may be  
19 obtained and by making the records available for inspection," a "party that elects  
20 to avail itself of this option . . . must '*specify where in the records the answers  
[can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
21 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

22       If a party "fails to obey an order to provide or permit discovery," the court  
23 may "issue further just orders," including: prohibiting the disobedient party from  
24 supporting or opposing designated claims or defenses, or from introducing

1 designated matters in evidence; striking pleadings in whole or in part; dismissing  
2 the action or proceeding in whole or in part; or rendering a default judgment against  
3 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
4 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
5 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
6 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
7 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
8 discovery violations make it impossible for a court to be confident that the parties  
9 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
10 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
11 ““carries the burden of demonstrating that the failure to comply with” disclosure  
12 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
13 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

14 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
15 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
16 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
17 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
18 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
19 response to each and every interrogatory referring to his prior court filings, which is  
20 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
21 repeated failures to serve compliant responses thwarts the very purpose of  
22 discovery, which is “to remove surprise from trial preparation so the parties can  
23 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
24 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

25 Plaintiff’s failure to meaningfully participate in the discovery process has  
26 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
27 be tried on the merits because CSU currently has no access to the “true facts” of the  
28 case, beyond the information within its own possession. Importantly, this Court

1 already warned Plaintiff of the potential for sanctions, including termination  
2 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
3 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
4 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
5 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
6 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

7       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
8 document. *See* Matsushima Decl., ¶ 18, Ex. I.

9       **III. INTERROGATORY NO. 3**

10       **Interrogatory:** IDENTIFY all CSU faculty and staff who YOU allege  
11 harassed, threatened, and/or discriminated against YOU based on YOUR race,  
12 religion, and/or national origin.

13       **Response:** Plaintiff provides this response based on either his current  
14 recollection, memory, and information reasonably available, or its entirety.  
15 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
16 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
17 of Plaintiff’s previously stated emphasis aforementioned above, the entities in  
18 Plaintiff’s *Complaint* serve as the true integrity of the response to this interrogatory.

19       **Moving Party’s Position:** A party may serve on any other party written  
20 interrogatories that “may relate to any matter that may be inquired into under Rule  
21 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
22 party to whom they are directed,” and the answering party must sign the responses.  
23 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

24       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
25 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
26 have “unambiguously” rejected as deficient the assertion that the requested  
27 information is already in the propounding party’s possession. *Nat’l Acad. of  
28 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.

1 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
2 “answer an interrogatory by specifying records from which the answers may be  
3 obtained and by making the records available for inspection,” a “party that elects  
4 to avail itself of this option . . . must ‘specify where in the records the answers  
5 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
6 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
7 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983)) (italics added); *see also Walt Disney*  
8 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

9 If a party “fails to obey an order to provide or permit discovery,” the court  
10 may “issue further just orders,” including: prohibiting the disobedient party from  
11 supporting or opposing designated claims or defenses, or from introducing  
12 designated matters in evidence; striking pleadings in whole or in part; dismissing  
13 the action or proceeding in whole or in part; or rendering a default judgment against  
14 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
15 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
16 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
17 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
18 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
19 discovery violations make it impossible for a court to be confident that the parties  
20 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
21 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
22 “carries the burden of demonstrating that the failure to comply with” disclosure  
23 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
24 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

25 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
26 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
27 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
28 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.

1 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
2 response to each and every interrogatory referring to his prior court filings, which is  
3 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's  
4 repeated failures to serve compliant responses thwarts the very purpose of  
5 discovery, which is "to remove surprise from trial preparation so the parties can  
6 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*  
7 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

8 Plaintiff's failure to meaningfully participate in the discovery process has  
9 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot  
10 be tried on the merits because CSU currently has no access to the "true facts" of the  
11 case, beyond the information within its own possession. Importantly, this Court  
12 already warned Plaintiff of the potential for sanctions, including termination  
13 sanctions, that may result from his "failure timely to comply fully" with the Court's  
14 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
15 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
16 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
17 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

18 **Opposing Party's Position:** Plaintiff provided his response in a separate  
19 document. *See* Matsushima Decl., ¶ 18, Ex. I.

20 **IV. INTERROGATORY NO. 4**

21 **Interrogatory:** If YOU contend that CSU retaliated against YOU due to  
22 YOUR race, religion, or national origin, STATE ALL FACTS in support of YOUR  
23 contention.

24 **Response:** Plaintiff provides this response based on either his current  
25 recollection, memory, and information reasonably available, or its entirety.  
26 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his  
27 given information towards case number 2:24-cv-03791 as the true integrity of the  
28 response to this interrogatory.

1       **Moving Party's Position:** A party may serve on any other party written  
2 interrogatories that “may relate to any matter that may be inquired into under Rule  
3 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
4 party to whom they are directed,” and the answering party must sign the responses.  
5 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

6       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
7 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
8 have “unambiguously” rejected as deficient the assertion that the requested  
9 information is already in the propounding party’s possession. *Nat'l Acad. of  
10 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
11 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
12 “answer an interrogatory by specifying records from which the answers may be  
13 obtained and by making the records available for inspection,” a “party that elects  
14 to avail itself of this option . . . must ‘specify where in the records the answers  
15 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
16 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
17 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983)) (italics added); *see also Walt Disney  
18 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

19       If a party “fails to obey an order to provide or permit discovery,” the court  
20 may “issue further just orders,” including: prohibiting the disobedient party from  
21 supporting or opposing designated claims or defenses, or from introducing  
22 designated matters in evidence; striking pleadings in whole or in part; dismissing  
23 the action or proceeding in whole or in part; or rendering a default judgment against  
24 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
25 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
26 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
27 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
28 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s

1 discovery violations make it impossible for a court to be confident that the parties  
2 will ever have access to the true facts.”” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
3 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
4 ““carries the burden of demonstrating that the failure to comply with” disclosure  
5 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
6 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

7 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
8 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
9 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
10 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
11 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
12 response to each and every interrogatory referring to his prior court filings, which is  
13 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
14 repeated failures to serve compliant responses thwarts the very purpose of  
15 discovery, which is “to remove surprise from trial preparation so the parties can  
16 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
17 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

18 Plaintiff’s failure to meaningfully participate in the discovery process has  
19 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
20 be tried on the merits because CSU currently has no access to the “true facts” of the  
21 case, beyond the information within its own possession. Importantly, this Court  
22 already warned Plaintiff of the potential for sanctions, including termination  
23 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
24 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
25 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
26 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
27 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

28 **Opposing Party’s Position:** Plaintiff provided his response in a separate

1 document. *See* Matsushima Decl., ¶ 18, Ex. I.

2 **V. INTERROGATORY NO. 5**

3 **Interrogatory:** IDENTIFY all CSU students who YOU allege harassed,  
4 threatened, or discriminated against YOU based on YOUR race, religion, and/or  
5 national origin.

6       **Response:** Plaintiff provides this response based on either his current  
7 recollection, memory, and information reasonably available, or its entirety.  
8 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
9 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
10 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
11 specifically reaffirms to the entirety of all his given information towards case  
12 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

13       **Moving Party's Position:** A party may serve on any other party written  
14 interrogatories that "may relate to any matter that may be inquired into under Rule  
15 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
16 party to whom they are directed," and the answering party must sign the responses.  
17 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

18       In responding to discovery, an "evasive or incomplete disclosure, answer, or  
19 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
20 have "unambiguously" rejected as deficient the assertion that the requested  
21 information is already in the propounding party's possession. *Nat'l Acad. of  
22 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
23 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
24 "answer an interrogatory by specifying records from which the answers may be  
25 obtained and by making the records available for inspection," a "party that elects  
26 to avail itself of this option . . . must 'specify where in the records the answers  
27 [can] be found.'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
28 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*

1      *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
2      *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

3      If a party “fails to obey an order to provide or permit discovery,” the court  
4      may “issue further just orders,” including: prohibiting the disobedient party from  
5      supporting or opposing designated claims or defenses, or from introducing  
6      designated matters in evidence; striking pleadings in whole or in part; dismissing  
7      the action or proceeding in whole or in part; or rendering a default judgment against  
8      the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
9      severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
10     *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
11    when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
12    critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
13    discovery violations make it impossible for a court to be confident that the parties  
14    will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
15    1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
16    ““carries the burden of demonstrating that the failure to comply with” disclosure  
17    rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
18    (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

19     Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
20    of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
21    Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
22    the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
23    Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
24    response to each and every interrogatory referring to his prior court filings, which is  
25    tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
26    repeated failures to serve compliant responses thwarts the very purpose of  
27    discovery, which is “to remove surprise from trial preparation so the parties can  
28    obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*

1       Schwartz, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

2       Plaintiff's failure to meaningfully participate in the discovery process has  
3 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot  
4 be tried on the merits because CSU currently has no access to the "true facts" of the  
5 case, beyond the information within its own possession. Importantly, this Court  
6 already warned Plaintiff of the potential for sanctions, including termination  
7 sanctions, that may result from his "failure timely to comply fully" with the Court's  
8 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
9 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
10 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
11 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

12      **Opposing Party's Position:** Plaintiff provided his response in a separate  
13 document. *See* Matsushima Decl., ¶ 18, Ex. I.

14      **VI. INTERROGATORY NO. 6**

15      **Interrogatory:** STATE ALL FACTS in support of YOUR assertion in  
16 paragraph 38 of the COMPLAINT that YOU were worried RAMIREZ and the  
17 Office of the Vice President for Student Affairs "might refuse to enforce the CSU's  
18 policies, and retaliate back[.]"

19      **Response:** Plaintiff provides this response based on either his current  
20 recollection, memory, and information reasonably available, or its entirety.  
21 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
22 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
23 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
24 specifically reaffirms that his *Complaint* serves as the true integrity of the response  
25 to this interrogatory.

26      **Moving Party's Position:** A party may serve on any other party written  
27 interrogatories that "may relate to any matter that may be inquired into under Rule  
28 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the

1 party to whom they are directed,” and the answering party must sign the responses.  
2 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

3 In responding to discovery, an “evasive or incomplete disclosure, answer, or  
4 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
5 have “unambiguously” rejected as deficient the assertion that the requested  
6 information is already in the propounding party’s possession. *Nat’l Acad. of*  
7 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
8 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
9 ““answer an interrogatory by specifying records from which the answers may be  
10 obtained and by making the records available for inspection,”” a “party that elects  
11 to avail itself of this option . . . must ‘specify where in the records the answers  
12 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
13 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
14 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
15 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

16 If a party “fails to obey an order to provide or permit discovery,” the court  
17 may “issue further just orders,” including: prohibiting the disobedient party from  
18 supporting or opposing designated claims or defenses, or from introducing  
19 designated matters in evidence; striking pleadings in whole or in part; dismissing  
20 the action or proceeding in whole or in part; or rendering a default judgment against  
21 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
22 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
23 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
24 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
25 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
26 discovery violations make it impossible for a court to be confident that the parties  
27 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
28 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions

1     “carries the burden of demonstrating that the failure to comply with” disclosure  
2     rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
3     (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

4         Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
5     of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
6     Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
7     the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
8     Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
9     response to each and every interrogatory referring to his prior court filings, which is  
10   tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
11   repeated failures to serve compliant responses thwarts the very purpose of  
12   discovery, which is “to remove surprise from trial preparation so the parties can  
13   obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
14   *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

15         Plaintiff’s failure to meaningfully participate in the discovery process has  
16   prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
17   be tried on the merits because CSU currently has no access to the “true facts” of the  
18   case, beyond the information within its own possession. Importantly, this Court  
19   already warned Plaintiff of the potential for sanctions, including termination  
20   sanctions, that may result from his “failure timely to comply fully” with the Court’s  
21   Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
22   Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
23   sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
24   an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

25         **Opposing Party’s Position:** Plaintiff provided his response in a separate  
26   document. *See* Matsushima Decl., ¶ 18, Ex. I.

27         **VII. INTERROGATORY NO. 7**

28         **Interrogatory:** STATE ALL FACTS in support of YOUR contention that a

1 CSU student “wanted to physically harm” YOU, YOUR “Jewish religion and  
2 community, and place of worship, which has children,” as referenced in paragraph  
3 38 of the COMPLAINT.

4       **Response:** Plaintiff provides this response based on either his current  
5 recollection, memory, and information reasonably available, or its entirety.  
6 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his  
7 given information towards case number 2:24-cv-03791 as the true integrity of the  
8 response to this interrogatory.

9       **Moving Party’s Position:** A party may serve on any other party written  
10 interrogatories that “may relate to any matter that may be inquired into under Rule  
11 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
12 party to whom they are directed,” and the answering party must sign the responses.  
13 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

14       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
15 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
16 have “unambiguously” rejected as deficient the assertion that the requested  
17 information is already in the propounding party’s possession. *Nat’l Acad. of  
18 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
19 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
20 ““answer an interrogatory by specifying records from which the answers may be  
21 obtained and by making the records available for inspection,”” a “party that elects  
22 to avail itself of this option . . . must ‘specify where in the records the answers  
23 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
24 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
25 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
26 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

27       If a party “fails to obey an order to provide or permit discovery,” the court  
28 may “issue further just orders,” including: prohibiting the disobedient party from

1 supporting or opposing designated claims or defenses, or from introducing  
2 designated matters in evidence; striking pleadings in whole or in part; dismissing  
3 the action or proceeding in whole or in part; or rendering a default judgment against  
4 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
5 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
6 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
7 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
8 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
9 discovery violations make it impossible for a court to be confident that the parties  
10 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
11 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
12 “carries the burden of demonstrating that the failure to comply with” disclosure  
13 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
14 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

15 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
16 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
17 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
18 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
19 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
20 response to each and every interrogatory referring to his prior court filings, which is  
21 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
22 repeated failures to serve compliant responses thwarts the very purpose of  
23 discovery, which is “to remove surprise from trial preparation so the parties can  
24 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
25 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

26 Plaintiff’s failure to meaningfully participate in the discovery process has  
27 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
28 be tried on the merits because CSU currently has no access to the “true facts” of the

1 case, beyond the information within its own possession. Importantly, this Court  
2 already warned Plaintiff of the potential for sanctions, including termination  
3 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
4 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
5 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
6 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
7 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

8       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
9 document. *See* Matsushima Decl., ¶ 18, Ex. I.

10 **VIII. INTERROGATORY No. 8**

11       **Interrogatory:** STATE ALL FACTS in support of YOUR contention that  
12 YOU received death threats from a CSU student.

13       **Response:** Plaintiff provides this response based on either his current  
14 recollection, memory, and information reasonably available, or its entirety.  
15 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his  
16 given information towards case number 2:24-cv-03791 as the true integrity of the  
17 response to this interrogatory.

18       **Moving Party’s Position:** A party may serve on any other party written  
19 interrogatories that “may relate to any matter that may be inquired into under Rule  
20 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
21 party to whom they are directed,” and the answering party must sign the responses.  
22 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

23       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
24 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
25 have “unambiguously” rejected as deficient the assertion that the requested  
26 information is already in the propounding party’s possession. *Nat’l Acad. of  
27 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
28 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to

1     “answer an interrogatory by specifying records from which the answers may be  
2     obtained and by making the records available for inspection,”” a “party that elects  
3     to avail itself of this option . . . must ‘specify where in the records the answers  
4     [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
5     322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
6     *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
7     *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

8         If a party “fails to obey an order to provide or permit discovery,” the court  
9     may “issue further just orders,” including: prohibiting the disobedient party from  
10    supporting or opposing designated claims or defenses, or from introducing  
11    designated matters in evidence; striking pleadings in whole or in part; dismissing  
12    the action or proceeding in whole or in part; or rendering a default judgment against  
13    the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
14    severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
15    *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
16    when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
17    critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
18    discovery violations make it impossible for a court to be confident that the parties  
19    will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
20    1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
21    “carries the burden of demonstrating that the failure to comply with” disclosure  
22    rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
23    (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

24         Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
25    of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
26    Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
27    the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
28    Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive

1 response to each and every interrogatory referring to his prior court filings, which is  
2 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's  
3 repeated failures to serve compliant responses thwarts the very purpose of  
4 discovery, which is "to remove surprise from trial preparation so the parties can  
5 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*  
6 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

7 Plaintiff's failure to meaningfully participate in the discovery process has  
8 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot  
9 be tried on the merits because CSU currently has no access to the "true facts" of the  
10 case, beyond the information within its own possession. Importantly, this Court  
11 already warned Plaintiff of the potential for sanctions, including termination  
12 sanctions, that may result from his "failure timely to comply fully" with the Court's  
13 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
14 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
15 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
16 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

17 **Opposing Party's Position:** Plaintiff provided his response in a separate  
18 document. *See* Matsushima Decl., ¶ 18, Ex. I.

## 19 **IX. INTERROGATORY NO. 9**

20 **Interrogatory:** If YOU allege that YOU were subjected to antisemitic  
21 discrimination, harassment, or hate speech, STATE ALL FACTS in support of  
22 YOUR contention, including a description of the action itself, contents of such  
23 speech, the actor or speaker, and the time and location of the interaction.

24 **Response:** Plaintiff provides this response based on either his current  
25 recollection, memory, and information reasonably available, or its entirety.  
26 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
27 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
28 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff

1 specifically reaffirms to the entirety of all his given information towards case  
2 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

3       **Moving Party's Position:** A party may serve on any other party written  
4 interrogatories that “may relate to any matter that may be inquired into under Rule  
5 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
6 party to whom they are directed,” and the answering party must sign the responses.  
7 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

8       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
9 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
10 have “unambiguously” rejected as deficient the assertion that the requested  
11 information is already in the propounding party’s possession. *Nat'l Acad. of  
12 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
13 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
14 “answer an interrogatory by specifying records from which the answers may be  
15 obtained and by making the records available for inspection,” a “party that elects  
16 to avail itself of this option . . . must ‘specify where in the records the answers  
17 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
18 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
19 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
20 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

21       If a party “fails to obey an order to provide or permit discovery,” the court  
22 may “issue further just orders,” including: prohibiting the disobedient party from  
23 supporting or opposing designated claims or defenses, or from introducing  
24 designated matters in evidence; striking pleadings in whole or in part; dismissing  
25 the action or proceeding in whole or in part; or rendering a default judgment against  
26 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
27 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
28 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider

1 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
2 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
3 discovery violations make it impossible for a court to be confident that the parties  
4 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
5 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
6 “carries the burden of demonstrating that the failure to comply with” disclosure  
7 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
8 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

9 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
10 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
11 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
12 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
13 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
14 response to each and every interrogatory referring to his prior court filings, which is  
15 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
16 repeated failures to serve compliant responses thwarts the very purpose of  
17 discovery, which is “to remove surprise from trial preparation so the parties can  
18 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
19 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

20 Plaintiff’s failure to meaningfully participate in the discovery process has  
21 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
22 be tried on the merits because CSU currently has no access to the “true facts” of the  
23 case, beyond the information within its own possession. Importantly, this Court  
24 already warned Plaintiff of the potential for sanctions, including termination  
25 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
26 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
27 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
28 sanctions including attorney’s fees and dismissal of this action or, in the alternative,

1 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

2       **Opposing Party's Position:** Plaintiff provided his response in a separate  
3 document. *See* Matsushima Decl., ¶ 18, Ex. I.

4       **X. INTERROGATORY NO. 10**

5       **Interrogatory:** STATE ALL FACTS in support of YOUR contention that  
6 YOU were "scared to go into campus at night due to the fear of being harmed," as  
7 alleged in paragraph 47 of the COMPLAINT.

8       **Response:** Plaintiff provides this response based on either his current  
9 recollection, memory, and information reasonably available, or its entirety.  
10 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
11 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
12 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
13 specifically reaffirms to the entirety of all his given information towards case  
14 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

15       **Moving Party's Position:** A party may serve on any other party written  
16 interrogatories that "may relate to any matter that may be inquired into under Rule  
17 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
18 party to whom they are directed," and the answering party must sign the responses.  
19 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

20       In responding to discovery, an "evasive or incomplete disclosure, answer, or  
21 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
22 have "unambiguously" rejected as deficient the assertion that the requested  
23 information is already in the propounding party's possession. *Nat'l Acad. of  
24 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
25 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
26 "answer an interrogatory by specifying records from which the answers may be  
27 obtained and by making the records available for inspection," a "party that elects  
28 to avail itself of this option . . . must 'specify where in the records the answers

1 [can] be found.”” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
2 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
3 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
4 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

5 If a party “fails to obey an order to provide or permit discovery,” the court  
6 may “issue further just orders,” including: prohibiting the disobedient party from  
7 supporting or opposing designated claims or defenses, or from introducing  
8 designated matters in evidence; striking pleadings in whole or in part; dismissing  
9 the action or proceeding in whole or in part; or rendering a default judgment against  
10 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
11 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
12 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
13 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
14 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
15 discovery violations make it impossible for a court to be confident that the parties  
16 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
17 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
18 ““carries the burden of demonstrating that the failure to comply with” disclosure  
19 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
20 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

21 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
22 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
23 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
24 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
25 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
26 response to each and every interrogatory referring to his prior court filings, which is  
27 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
28 repeated failures to serve compliant responses thwarts the very purpose of

1 discovery, which is “to remove surprise from trial preparation so the parties can  
2 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
3 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

4 Plaintiff’s failure to meaningfully participate in the discovery process has  
5 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
6 be tried on the merits because CSU currently has no access to the “true facts” of the  
7 case, beyond the information within its own possession. Importantly, this Court  
8 already warned Plaintiff of the potential for sanctions, including termination  
9 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
10 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
11 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
12 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
13 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

14       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
15 document. *See* Matsushima Decl., ¶ 18, Ex. I.

16       **XI. INTERROGATORY NO. 11**

17       **Interrogatory:** STATE ALL FACTS in support of YOUR allegations that  
18 CSU prevented YOU from filing complaints and/or reports regarding antisemitic  
19 harassment and discrimination.

20       **Response:** Plaintiff provides this response based on either his current  
21 recollection, memory, and information reasonably available, or its entirety.  
22 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
23 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
24 of Plaintiff’s previously stated emphasis aforementioned above, Plaintiff  
25 specifically reaffirms that his *Complaint* serves as the true integrity of the response  
26 to this interrogatory.

27       **Moving Party’s Position:** A party may serve on any other party written  
28 interrogatories that “may relate to any matter that may be inquired into under Rule

1 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
2 party to whom they are directed," and the answering party must sign the responses.  
3 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

4 In responding to discovery, an "evasive or incomplete disclosure, answer, or  
5 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
6 have "unambiguously" rejected as deficient the assertion that the requested  
7 information is already in the propounding party's possession. *Nat'l Acad. of  
8 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
9 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
10 "answer an interrogatory by specifying records from which the answers may be  
11 obtained and by making the records available for inspection," a "party that elects  
12 to avail itself of this option . . . must 'specify where in the records the answers  
13 [can] be found.'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
14 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
15 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
16 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

17 If a party "fails to obey an order to provide or permit discovery," the court  
18 may "issue further just orders," including: prohibiting the disobedient party from  
19 supporting or opposing designated claims or defenses, or from introducing  
20 designated matters in evidence; striking pleadings in whole or in part; dismissing  
21 the action or proceeding in whole or in part; or rendering a default judgment against  
22 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very  
23 severe," is justified based upon a showing of "willfulness, bad faith, and fault."  
24 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
25 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). "The most  
26 critical factor to be considered in case-dispositive sanctions is whether 'a party's  
27 discovery violations make it impossible for a court to be confident that the parties  
28 will ever have access to the true facts.'" *Connecticut Gen. Life Ins. Co.*, 482 F.3d at

1 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
2 “carries the burden of demonstrating that the failure to comply with” disclosure  
3 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
4 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

5 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
6 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
7 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
8 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
9 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
10 response to each and every interrogatory referring to his prior court filings, which is  
11 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
12 repeated failures to serve compliant responses thwarts the very purpose of  
13 discovery, which is “to remove surprise from trial preparation so the parties can  
14 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
15 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

16 Plaintiff’s failure to meaningfully participate in the discovery process has  
17 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
18 be tried on the merits because CSU currently has no access to the “true facts” of the  
19 case, beyond the information within its own possession. Importantly, this Court  
20 already warned Plaintiff of the potential for sanctions, including termination  
21 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
22 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
23 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
24 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
25 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

26 **Opposing Party’s Position:** Plaintiff provided his response in a separate  
27 document. See Matsushima Decl., ¶ 18, Ex. I.

28

1           **XII. INTERROGATORY NO. 12**

2           **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that  
3           YOUR kippah and tefillin were stolen, as alleged in paragraph 50 of the  
4           COMPLAINT.

5           **Response:** Plaintiff provides this response based on either his current  
6           recollection, memory, and information reasonably available, or its entirety.  
7           Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
8           allegation, as characterized by this interrogatory, but rather is factual. On the basis  
9           of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
10          specifically reaffirms that his *Complaint* serves as the true integrity of the response  
11          to this interrogatory.

12           **Moving Party's Position:** A party may serve on any other party written  
13          interrogatories that "may relate to any matter that may be inquired into under Rule  
14          26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
15          party to whom they are directed," and the answering party must sign the responses.  
16          *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

17          In responding to discovery, an "evasive or incomplete disclosure, answer, or  
18          response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
19          have "unambiguously" rejected as deficient the assertion that the requested  
20          information is already in the propounding party's possession. *Nat'l Acad. of  
Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
21          Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
22          "answer an interrogatory by specifying records from which the answers may be  
23          obtained and by making the records available for inspection," a "party that elects  
24          to avail itself of this option . . . must 'specify where in the records the answers  
25          [can] be found.'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
26          322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); see also *Walt Disney*

1      *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

2      If a party “fails to obey an order to provide or permit discovery,” the court  
3      may “issue further just orders,” including: prohibiting the disobedient party from  
4      supporting or opposing designated claims or defenses, or from introducing  
5      designated matters in evidence; striking pleadings in whole or in part; dismissing  
6      the action or proceeding in whole or in part; or rendering a default judgment against  
7      the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
8      severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”

9      *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
10     when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
11     critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
12     discovery violations make it impossible for a court to be confident that the parties  
13     will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
14     1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
15     “carries the burden of demonstrating that the failure to comply with” disclosure  
16     rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
17     (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

18     Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
19     of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
20     Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
21     the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
22     Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
23     response to each and every interrogatory referring to his prior court filings, which is  
24     tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
25     repeated failures to serve compliant responses thwarts the very purpose of  
26     discovery, which is “to remove surprise from trial preparation so the parties can  
27     obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
28     *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

1 Plaintiff's failure to meaningfully participate in the discovery process has  
2 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot  
3 be tried on the merits because CSU currently has no access to the "true facts" of the  
4 case, beyond the information within its own possession. Importantly, this Court  
5 already warned Plaintiff of the potential for sanctions, including termination  
6 sanctions, that may result from his "failure timely to comply fully" with the Court's  
7 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
8 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
9 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
10 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

11 **Opposing Party's Position:** Plaintiff provided his response in a separate  
12 document. *See* Matsushima Decl., ¶ 18, Ex. I.

13 **XIII. INTERROGATORY NO. 13**

14 **Interrogatory:** STATE ALL FACTS in support of YOUR contention that  
15 CSUN "allow[ed] Antisemitism," as stated in paragraph 55 of the COMPLAINT.

16 **Response:** Plaintiff provides this response based on either his current  
17 recollection, memory, and information reasonably available, or its entirety.  
18 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his  
19 given information towards case number 2:24-cv-03791 as the true integrity of the  
20 response to this interrogatory.

21 **Moving Party's Position:** A party may serve on any other party written  
22 interrogatories that "may relate to any matter that may be inquired into under Rule  
23 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
24 party to whom they are directed," and the answering party must sign the responses.  
25 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

26 In responding to discovery, an "evasive or incomplete disclosure, answer, or  
27 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
28 have "unambiguously" rejected as deficient the assertion that the requested

1 information is already in the propounding party’s possession. *Nat'l Acad. of*  
2 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
3 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
4 “answer an interrogatory by specifying records from which the answers may be  
5 obtained and by making the records available for inspection,” a “party that elects  
6 to avail itself of this option . . . must ‘specify where in the records the answers  
7 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
8 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
9 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983)) (italics added); *see also Walt Disney*  
10 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

11 If a party “fails to obey an order to provide or permit discovery,” the court  
12 may “issue further just orders,” including: prohibiting the disobedient party from  
13 supporting or opposing designated claims or defenses, or from introducing  
14 designated matters in evidence; striking pleadings in whole or in part; dismissing  
15 the action or proceeding in whole or in part; or rendering a default judgment against  
16 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
17 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
18 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
19 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
20 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
21 discovery violations make it impossible for a court to be confident that the parties  
22 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
23 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
24 “carries the burden of demonstrating that the failure to comply with” disclosure  
25 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
26 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

27 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
28 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to

1 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
2 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
3 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
4 response to each and every interrogatory referring to his prior court filings, which is  
5 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
6 repeated failures to serve compliant responses thwarts the very purpose of  
7 discovery, which is “to remove surprise from trial preparation so the parties can  
8 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
9 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

10 Plaintiff’s failure to meaningfully participate in the discovery process has  
11 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
12 be tried on the merits because CSU currently has no access to the “true facts” of the  
13 case, beyond the information within its own possession. Importantly, this Court  
14 already warned Plaintiff of the potential for sanctions, including termination  
15 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
16 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
17 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
18 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
19 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

20       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
21 document. *See* Matsushima Decl., ¶ 18, Ex. I.

22 **XIV. INTERROGATORY NO. 14**

23       **Interrogatory:** STATE ALL FACTS RELATING TO the “Antisemitic  
24 attacks towards Jewish people” referenced in paragraph 57 of the COMPLAINT.

25       **Response:** Plaintiff provides this response based on either his current  
26 recollection, memory, and information reasonably available, or its entirety.  
27 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his  
28 given information towards case number 2:24-cv-03791 as the true integrity of the

1 response to this interrogatory.

2       **Moving Party's Position:** A party may serve on any other party written  
3 interrogatories that “may relate to any matter that may be inquired into under Rule  
4 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
5 party to whom they are directed,” and the answering party must sign the responses.  
6 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

7       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
8 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
9 have “unambiguously” rejected as deficient the assertion that the requested  
10 information is already in the propounding party’s possession. *Nat'l Acad. of  
Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
11 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
12 ““answer an interrogatory by specifying records from which the answers may be  
13 obtained and by making the records available for inspection,”” a “party that elects  
14 to avail itself of this option . . . must ‘specify where in the records the answers  
15 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
16 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

20       If a party “fails to obey an order to provide or permit discovery,” the court  
21 may “issue further just orders,” including: prohibiting the disobedient party from  
22 supporting or opposing designated claims or defenses, or from introducing  
23 designated matters in evidence; striking pleadings in whole or in part; dismissing  
24 the action or proceeding in whole or in part; or rendering a default judgment against  
25 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
26 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
27 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
28 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most

1 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
2 discovery violations make it impossible for a court to be confident that the parties  
3 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
4 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
5 “carries the burden of demonstrating that the failure to comply with” disclosure  
6 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
7 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

8 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
9 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
10 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
11 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
12 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
13 response to each and every interrogatory referring to his prior court filings, which is  
14 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
15 repeated failures to serve compliant responses thwarts the very purpose of  
16 discovery, which is “to remove surprise from trial preparation so the parties can  
17 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
18 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

19 Plaintiff’s failure to meaningfully participate in the discovery process has  
20 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
21 be tried on the merits because CSU currently has no access to the “true facts” of the  
22 case, beyond the information within its own possession. Importantly, this Court  
23 already warned Plaintiff of the potential for sanctions, including termination  
24 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
25 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
26 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
27 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
28 an order excluding Plaintiff’s evidence at

1       **Opposing Party's Position:** Plaintiff provided his response in a separate  
2 document. *See* Matsushima Decl., ¶ 18, Ex. I.

3       **XV. INTERROGATORY NO. 15**

4       **Interrogatory:** STATE ALL FACTS RELATING TO YOUR meeting with  
5 WATKINS, as referenced in paragraph 60 of the COMPLAINT.

6       **Response:** Plaintiff provides this response based on either his current  
7 recollection, memory, and information reasonably available, or its entirety.  
8 Plaintiff, a witness to the events, specifically reaffirms that his *Complaint* serves as  
9 the true integrity of the response to this interrogatory.

10       **Moving Party's Position:** A party may serve on any other party written  
11 interrogatories that “may relate to any matter that may be inquired into under Rule  
12 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
13 party to whom they are directed,” and the answering party must sign the responses.  
14 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

15       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
16 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
17 have “unambiguously” rejected as deficient the assertion that the requested  
18 information is already in the propounding party’s possession. *Nat'l Acad. of  
19 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
20 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
21 “answer an interrogatory by specifying records from which the answers may be  
22 obtained and by making the records available for inspection,” a “party that elects  
23 to avail itself of this option . . . must ‘specify where in the records the answers  
24 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
25 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
26 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
27 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

28       If a party “fails to obey an order to provide or permit discovery,” the court

1 may “issue further just orders,” including: prohibiting the disobedient party from  
2 supporting or opposing designated claims or defenses, or from introducing  
3 designated matters in evidence; striking pleadings in whole or in part; dismissing  
4 the action or proceeding in whole or in part; or rendering a default judgment against  
5 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
6 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
7 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
8 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
9 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
10 discovery violations make it impossible for a court to be confident that the parties  
11 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
12 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
13 ““carries the burden of demonstrating that the failure to comply with” disclosure  
14 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
15 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

16 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
17 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
18 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
19 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
20 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
21 response to each and every interrogatory referring to his prior court filings, which is  
22 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
23 repeated failures to serve compliant responses thwarts the very purpose of  
24 discovery, which is “to remove surprise from trial preparation so the parties can  
25 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
26 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

27 Plaintiff’s failure to meaningfully participate in the discovery process has  
28 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot

1 be tried on the merits because CSU currently has no access to the “true facts” of the  
2 case, beyond the information within its own possession. Importantly, this Court  
3 already warned Plaintiff of the potential for sanctions, including termination  
4 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
5 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
6 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
7 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
8 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

9       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
10 document. *See* Matsushima Decl., ¶ 18, Ex. I.

11 **XVI. INTERROGATORY NO. 16**

12       **Interrogatory:** STATE ALL FACTS RELATING TO YOUR discussion(s)  
13 with Jodi Johnson, as referenced in paragraph 62 of the COMPLAINT.

14       **Response:** Plaintiff provides this response based on either his current  
15 recollection, memory, and information reasonably available, or its entirety.  
16 Plaintiff, a witness to the events, specifically reaffirms that his *Complaint* serves as  
17 the true integrity of the response to this interrogatory.

18       **Moving Party’s Position:** A party may serve on any other party written  
19 interrogatories that “may relate to any matter that may be inquired into under Rule  
20 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
21 party to whom they are directed,” and the answering party must sign the responses.  
22 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

23       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
24 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
25 have “unambiguously” rejected as deficient the assertion that the requested  
26 information is already in the propounding party’s possession. *Nat’l Acad. of*  
27 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
28 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to

1     “answer an interrogatory by specifying records from which the answers may be  
2     obtained and by making the records available for inspection,”” a “party that elects  
3     to avail itself of this option . . . must ‘specify where in the records the answers  
4     [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
5     322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
6     *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
7     *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

8         If a party “fails to obey an order to provide or permit discovery,” the court  
9     may “issue further just orders,” including: prohibiting the disobedient party from  
10    supporting or opposing designated claims or defenses, or from introducing  
11    designated matters in evidence; striking pleadings in whole or in part; dismissing  
12    the action or proceeding in whole or in part; or rendering a default judgment against  
13    the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
14    severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
15    *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
16    when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
17    critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
18    discovery violations make it impossible for a court to be confident that the parties  
19    will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
20    1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
21    “carries the burden of demonstrating that the failure to comply with” disclosure  
22    rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
23    (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

24         Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
25    of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
26    Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
27    the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
28    Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive

1 response to each and every interrogatory referring to his prior court filings, which is  
2 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's  
3 repeated failures to serve compliant responses thwarts the very purpose of  
4 discovery, which is "to remove surprise from trial preparation so the parties can  
5 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*  
6 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

7 Plaintiff's failure to meaningfully participate in the discovery process has  
8 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot  
9 be tried on the merits because CSU currently has no access to the "true facts" of the  
10 case, beyond the information within its own possession. Importantly, this Court  
11 already warned Plaintiff of the potential for sanctions, including termination  
12 sanctions, that may result from his "failure timely to comply fully" with the Court's  
13 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
14 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
15 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
16 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

17 **Opposing Party's Position:** Plaintiff provided his response in a separate  
18 document. *See* Matsushima Decl., ¶ 18, Ex. I.

19 **XVII. INTERROGATORY NO. 17**

20 **Interrogatory:** STATE ALL FACTS RELATING TO YOUR interaction  
21 with Marilyn Mendoza, as referenced in paragraph 65 of the COMPLAINT.

22 **Response:** Plaintiff provides this response based on either his current  
23 recollection, memory, and information reasonably available, or its entirety.  
24 Plaintiff, a witness to the events, specifically reaffirms to the entirety of all his  
25 given information towards case number 2:24-cv-03791 as the true integrity of the  
26 response to this interrogatory.

27 **Moving Party's Position:** A party may serve on any other party written  
28 interrogatories that "may relate to any matter that may be inquired into under Rule

1 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
2 party to whom they are directed," and the answering party must sign the responses.  
3 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

4 In responding to discovery, an "evasive or incomplete disclosure, answer, or  
5 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
6 have "unambiguously" rejected as deficient the assertion that the requested  
7 information is already in the propounding party's possession. *Nat'l Acad. of  
8 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
9 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
10 "answer an interrogatory by specifying records from which the answers may be  
11 obtained and by making the records available for inspection," a "party that elects  
12 to avail itself of this option . . . must 'specify where in the records the answers  
13 [can] be found.'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
14 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
15 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
16 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

17 If a party "fails to obey an order to provide or permit discovery," the court  
18 may "issue further just orders," including: prohibiting the disobedient party from  
19 supporting or opposing designated claims or defenses, or from introducing  
20 designated matters in evidence; striking pleadings in whole or in part; dismissing  
21 the action or proceeding in whole or in part; or rendering a default judgment against  
22 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very  
23 severe," is justified based upon a showing of "willfulness, bad faith, and fault."  
24 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
25 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). "The most  
26 critical factor to be considered in case-dispositive sanctions is whether 'a party's  
27 discovery violations make it impossible for a court to be confident that the parties  
28 will ever have access to the true facts.'" *Connecticut Gen. Life Ins. Co.*, 482 F.3d at

1 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
2 “carries the burden of demonstrating that the failure to comply with” disclosure  
3 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
4 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

5 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
6 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
7 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
8 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
9 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
10 response to each and every interrogatory referring to his prior court filings, which is  
11 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
12 repeated failures to serve compliant responses thwarts the very purpose of  
13 discovery, which is “to remove surprise from trial preparation so the parties can  
14 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
15 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

16 Plaintiff’s failure to meaningfully participate in the discovery process has  
17 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
18 be tried on the merits because CSU currently has no access to the “true facts” of the  
19 case, beyond the information within its own possession. Importantly, this Court  
20 already warned Plaintiff of the potential for sanctions, including termination  
21 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
22 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
23 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
24 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
25 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

26 **Opposing Party’s Position:** Plaintiff provided his response in a separate  
27 document. See Matsushima Decl., ¶ 18, Ex. I.

28

1      **XVIII. INTERROGATORY NO. 18**

2      **Interrogatory:** STATE ALL FACTS RELATING TO YOUR interaction  
3      with Executive Assistant Robin Ferguson, as referenced in paragraph 66 of the  
4      COMPLAINT.

5      **Response:** Plaintiff provides this response based on either his current  
6      recollection, memory, and information reasonably available, or its entirety.  
7      Plaintiff, a witness to the events, specifically reaffirms that his *Complaint* serves as  
8      the true integrity of the response to this interrogatory.

9      **Moving Party's Position:** A party may serve on any other party written  
10     interrogatories that “may relate to any matter that may be inquired into under Rule  
11     26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
12     party to whom they are directed,” and the answering party must sign the responses.  
13     *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

14     In responding to discovery, an “evasive or incomplete disclosure, answer, or  
15     response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
16     have “unambiguously” rejected as deficient the assertion that the requested  
17     information is already in the propounding party’s possession. *Nat'l Acad. of  
18     Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
19     Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
20     “answer an interrogatory by specifying records from which the answers may be  
21     obtained and by making the records available for inspection,” a “party that elects  
22     to avail itself of this option . . . must ‘specify where in the records the answers  
23     [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
24     322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
25     Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
26     Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

27     If a party “fails to obey an order to provide or permit discovery,” the court  
28     may “issue further just orders,” including: prohibiting the disobedient party from

1 supporting or opposing designated claims or defenses, or from introducing  
2 designated matters in evidence; striking pleadings in whole or in part; dismissing  
3 the action or proceeding in whole or in part; or rendering a default judgment against  
4 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
5 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
6 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
7 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
8 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
9 discovery violations make it impossible for a court to be confident that the parties  
10 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
11 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
12 “carries the burden of demonstrating that the failure to comply with” disclosure  
13 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
14 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

15 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
16 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
17 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
18 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
19 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
20 response to each and every interrogatory referring to his prior court filings, which is  
21 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
22 repeated failures to serve compliant responses thwarts the very purpose of  
23 discovery, which is “to remove surprise from trial preparation so the parties can  
24 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
25 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

26 Plaintiff’s failure to meaningfully participate in the discovery process has  
27 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
28 be tried on the merits because CSU currently has no access to the “true facts” of the

1 case, beyond the information within its own possession. Importantly, this Court  
2 already warned Plaintiff of the potential for sanctions, including termination  
3 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
4 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
5 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
6 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
7 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

8       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
9 document. *See* Matsushima Decl., ¶ 18, Ex. I.

10 **XIX. INTERROGATORY No. 19**

11       **Interrogatory:** STATE ALL FACTS RELATING TO YOUR contention that  
12 CSU chose “not to accommodate Plaintiff for his fears, worries, and stress from the  
13 members of the University,” as alleged in paragraph 74 of the COMPLAINT.

14       **Response:** Plaintiff provides this response based on either his current  
15 recollection, memory, and information reasonably available, or its entirety.  
16 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
17 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
18 of Plaintiff’s previously stated emphasis aforementioned above, Plaintiff  
19 specifically reaffirms to the entirety of all his given information towards case  
20 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

21       **Moving Party’s Position:** A party may serve on any other party written  
22 interrogatories that “may relate to any matter that may be inquired into under Rule  
23 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
24 party to whom they are directed,” and the answering party must sign the responses.  
25 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

26       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
27 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
28 have “unambiguously” rejected as deficient the assertion that the requested

1 information is already in the propounding party’s possession. *Nat'l Acad. of*  
2 *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
3 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
4 “answer an interrogatory by specifying records from which the answers may be  
5 obtained and by making the records available for inspection,” a “party that elects  
6 to avail itself of this option . . . must ‘specify where in the records the answers  
7 [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
8 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
9 *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983)) (italics added); *see also Walt Disney*  
10 *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

11 If a party “fails to obey an order to provide or permit discovery,” the court  
12 may “issue further just orders,” including: prohibiting the disobedient party from  
13 supporting or opposing designated claims or defenses, or from introducing  
14 designated matters in evidence; striking pleadings in whole or in part; dismissing  
15 the action or proceeding in whole or in part; or rendering a default judgment against  
16 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
17 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
18 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
19 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
20 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
21 discovery violations make it impossible for a court to be confident that the parties  
22 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
23 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
24 “carries the burden of demonstrating that the failure to comply with” disclosure  
25 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
26 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

27 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
28 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to

1 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
2 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
3 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
4 response to each and every interrogatory referring to his prior court filings, which is  
5 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
6 repeated failures to serve compliant responses thwarts the very purpose of  
7 discovery, which is “to remove surprise from trial preparation so the parties can  
8 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
9 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

10 Plaintiff’s failure to meaningfully participate in the discovery process has  
11 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
12 be tried on the merits because CSU currently has no access to the “true facts” of the  
13 case, beyond the information within its own possession. Importantly, this Court  
14 already warned Plaintiff of the potential for sanctions, including termination  
15 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
16 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
17 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
18 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
19 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

20       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
21 document. *See* Matsushima Decl., ¶ 18, Ex. I.

22 **XX. INTERROGATORY NO. 20**

23       **Interrogatory:** STATE ALL FACTS in support of YOUR contention that  
24 CSU’s actions or inactions negatively impacted YOUR participation and experience  
25 in the MBA program, as alleged in paragraph 74 of the COMPLAINT.

26       **Response:** Plaintiff provides this response based on either his current  
27 recollection, memory, and information reasonably available, or its entirety.  
28 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an

1 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
2 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
3 specifically reaffirms to the entirety of all his given information towards case  
4 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

5 **Moving Party's Position:** A party may serve on any other party written  
6 interrogatories that "may relate to any matter that may be inquired into under Rule  
7 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
8 party to whom they are directed," and the answering party must sign the responses.  
9 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

10 In responding to discovery, an "evasive or incomplete disclosure, answer, or  
11 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
12 have "unambiguously" rejected as deficient the assertion that the requested  
13 information is already in the propounding party's possession. *Nat'l Acad. of  
14 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
15 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
16 "answer an interrogatory by specifying records from which the answers may be  
17 obtained and by making the records available for inspection," a "party that elects  
18 to avail itself of this option . . . must 'specify where in the records the answers  
19 [can] be found.'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
20 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
21 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
22 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

23 If a party "fails to obey an order to provide or permit discovery," the court  
24 may "issue further just orders," including: prohibiting the disobedient party from  
25 supporting or opposing designated claims or defenses, or from introducing  
26 designated matters in evidence; striking pleadings in whole or in part; dismissing  
27 the action or proceeding in whole or in part; or rendering a default judgment against  
28 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very

1 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
2 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
3 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
4 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
5 discovery violations make it impossible for a court to be confident that the parties  
6 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
7 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
8 ““carries the burden of demonstrating that the failure to comply with” disclosure  
9 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
10 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

11 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
12 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
13 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
14 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
15 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
16 response to each and every interrogatory referring to his prior court filings, which is  
17 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
18 repeated failures to serve compliant responses thwarts the very purpose of  
19 discovery, which is “to remove surprise from trial preparation so the parties can  
20 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
21 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

22 Plaintiff’s failure to meaningfully participate in the discovery process has  
23 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
24 be tried on the merits because CSU currently has no access to the “true facts” of the  
25 case, beyond the information within its own possession. Importantly, this Court  
26 already warned Plaintiff of the potential for sanctions, including termination  
27 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
28 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to

1 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
2 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
3 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

4 **Opposing Party's Position:** Plaintiff provided his response in a separate  
5 document. *See* Matsushima Decl., ¶ 18, Ex. I.

6 **XXI. INTERROGATORY No. 21**

7 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that  
8 Professor Thomas Wedel utilized inappropriate examples of YOUR "situation" in  
9 the Systems and Operations Management course, as alleged in paragraphs 75 and  
10 76 of the COMPLAINT.

11 **Response:** Plaintiff provides this response based on either his current  
12 recollection, memory, and information reasonably available, or its entirety.  
13 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
14 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
15 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
16 specifically reaffirms to the entirety of all his given information towards case  
17 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

18 **Moving Party's Position:** A party may serve on any other party written  
19 interrogatories that "may relate to any matter that may be inquired into under Rule  
20 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
21 party to whom they are directed," and the answering party must sign the responses.  
22 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

23 In responding to discovery, an "evasive or incomplete disclosure, answer, or  
24 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
25 have "unambiguously" rejected as deficient the assertion that the requested  
26 information is already in the propounding party's possession. *Nat'l Acad. of  
Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
27 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to

1     “answer an interrogatory by specifying records from which the answers may be  
2     obtained and by making the records available for inspection,”” a “party that elects  
3     to avail itself of this option . . . must ‘specify where in the records the answers  
4     [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
5     322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
6     *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
7     *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

8         If a party “fails to obey an order to provide or permit discovery,” the court  
9     may “issue further just orders,” including: prohibiting the disobedient party from  
10    supporting or opposing designated claims or defenses, or from introducing  
11    designated matters in evidence; striking pleadings in whole or in part; dismissing  
12    the action or proceeding in whole or in part; or rendering a default judgment against  
13    the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
14    severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
15    *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
16    when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
17    critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
18    discovery violations make it impossible for a court to be confident that the parties  
19    will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
20    1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
21    “carries the burden of demonstrating that the failure to comply with” disclosure  
22    rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
23    (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

24         Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
25    of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
26    Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
27    the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
28    Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive

1 response to each and every interrogatory referring to his prior court filings, which is  
2 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff's  
3 repeated failures to serve compliant responses thwarts the very purpose of  
4 discovery, which is "to remove surprise from trial preparation so the parties can  
5 obtain evidence necessary to evaluate and resolve their dispute." *U.S. ex rel.*  
6 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

7 Plaintiff's failure to meaningfully participate in the discovery process has  
8 prejudiced CSU's ability to evaluate and/or resolve this dispute. This matter cannot  
9 be tried on the merits because CSU currently has no access to the "true facts" of the  
10 case, beyond the information within its own possession. Importantly, this Court  
11 already warned Plaintiff of the potential for sanctions, including termination  
12 sanctions, that may result from his "failure timely to comply fully" with the Court's  
13 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
14 Plaintiff's failure to comply with this Court's Discovery Order, CSU seeks  
15 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
16 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

17 **Opposing Party's Position:** Plaintiff provided his response in a separate  
18 document. *See* Matsushima Decl., ¶ 18, Ex. I.

19 **XXII. INTERROGATORY NO. 22**

20 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that  
21 CSU engaged in "retaliatory and discriminatory conduct against [YOU] for  
22 reporting students who were cheating, reporting their faculties misconduct,  
23 participating in religious activities, rightfully protesting against Antisemitism, and  
24 for reporting a faculty member to the [United States Department of Education  
25 Office of Civil Rights], by harassing, threatening, disciplining, and punishing  
26 [YOU] through charges of violation, suspension, and probation in an attempt to  
27 prevent [YOU] from ever engaging in the participation of [YOUR] protected  
28 activities," as alleged in paragraph 90 of the COMPLAINT.

1       **Response:** Plaintiff provides this response based on either his current  
2 recollection, memory, and information reasonably available, or its entirety.  
3 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
4 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
5 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
6 specifically reaffirms to the entirety of all his given information towards case  
7 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

8       **Moving Party's Position:** A party may serve on any other party written  
9 interrogatories that "may relate to any matter that may be inquired into under Rule  
10 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
11 party to whom they are directed," and the answering party must sign the responses.  
12 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

13       In responding to discovery, an "evasive or incomplete disclosure, answer, or  
14 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
15 have "unambiguously" rejected as deficient the assertion that the requested  
16 information is already in the propounding party's possession. *Nat'l Acad. of  
17 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
18 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
19 "answer an interrogatory by specifying records from which the answers may be  
20 obtained and by making the records available for inspection," a "party that elects  
21 to avail itself of this option . . . must '*specify where in the records the answers  
22 [can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
23 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
24 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
25 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

26       If a party "fails to obey an order to provide or permit discovery," the court  
27 may "issue further just orders," including: prohibiting the disobedient party from  
28 supporting or opposing designated claims or defenses, or from introducing

1 designated matters in evidence; striking pleadings in whole or in part; dismissing  
2 the action or proceeding in whole or in part; or rendering a default judgment against  
3 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
4 severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
5 *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
6 when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
7 critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
8 discovery violations make it impossible for a court to be confident that the parties  
9 will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
10 1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
11 ““carries the burden of demonstrating that the failure to comply with” disclosure  
12 rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
13 (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

14 Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
15 of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
16 Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
17 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
18 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
19 response to each and every interrogatory referring to his prior court filings, which is  
20 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
21 repeated failures to serve compliant responses thwarts the very purpose of  
22 discovery, which is “to remove surprise from trial preparation so the parties can  
23 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
24 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

25 Plaintiff’s failure to meaningfully participate in the discovery process has  
26 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
27 be tried on the merits because CSU currently has no access to the “true facts” of the  
28 case, beyond the information within its own possession. Importantly, this Court

1 already warned Plaintiff of the potential for sanctions, including termination  
2 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
3 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
4 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
5 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
6 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

7       **Opposing Party’s Position:** Plaintiff provided his response in a separate  
8 document. *See* Matsushima Decl., ¶ 18, Ex. I.

9       **XXIII. INTERROGATORY NO. 23**

10       **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that  
11 CSU marked YOU as a “high-level threat,” as alleged in paragraph 91 of the  
12 COMPLAINT.

13       **Response:** Plaintiff provides this response based on either his current  
14 recollection, memory, and information reasonably available, or its entirety.  
15 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
16 allegation, as characterized by this interrogatory, but rather is factual. On the basis  
17 of Plaintiff’s previously stated emphasis aforementioned above, Plaintiff  
18 specifically reaffirms to the entirety of all his given information towards case  
19 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

20       **Moving Party’s Position:** A party may serve on any other party written  
21 interrogatories that “may relate to any matter that may be inquired into under Rule  
22 26(b).” Fed. R. Civ. P. 33(a). “The interrogatories must be answered . . . by the  
23 party to whom they are directed,” and the answering party must sign the responses.  
24 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

25       In responding to discovery, an “evasive or incomplete disclosure, answer, or  
26 response must be treated as a failure to . . . respond.” *Id.* at Rule 37(a)(4). Courts  
27 have “unambiguously” rejected as deficient the assertion that the requested  
28 information is already in the propounding party’s possession. *Nat’l Acad. of*

1     *Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
2     Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
3     “answer an interrogatory by specifying records from which the answers may be  
4     obtained and by making the records available for inspection,” a “party that elects  
5     to avail itself of this option . . . must ‘specify where in the records the answers  
6     [can] be found.’” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
7     322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada*  
8     *Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney*  
9     *Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

10       If a party “fails to obey an order to provide or permit discovery,” the court  
11      may “issue further just orders,” including: prohibiting the disobedient party from  
12      supporting or opposing designated claims or defenses, or from introducing  
13      designated matters in evidence; striking pleadings in whole or in part; dismissing  
14      the action or proceeding in whole or in part; or rendering a default judgment against  
15      the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while “very  
16      severe,” is justified based upon a showing of “willfulness, bad faith, and fault.”  
17      *Connecticut Gen. Life Ins. Co.*, 482 F.3d at 1096 (discussing the factors to consider  
18      when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
19      critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
20      discovery violations make it impossible for a court to be confident that the parties  
21      will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
22      1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
23      “carries the burden of demonstrating that the failure to comply with” disclosure  
24      rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
25      (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15)).

26       Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
27      of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
28      Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to

1 the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
2 Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
3 response to each and every interrogatory referring to his prior court filings, which is  
4 tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
5 repeated failures to serve compliant responses thwarts the very purpose of  
6 discovery, which is “to remove surprise from trial preparation so the parties can  
7 obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
8 *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

9 Plaintiff’s failure to meaningfully participate in the discovery process has  
10 prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
11 be tried on the merits because CSU currently has no access to the “true facts” of the  
12 case, beyond the information within its own possession. Importantly, this Court  
13 already warned Plaintiff of the potential for sanctions, including termination  
14 sanctions, that may result from his “failure timely to comply fully” with the Court’s  
15 Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
16 Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks  
17 sanctions including attorney’s fees and dismissal of this action or, in the alternative,  
18 an order excluding Plaintiff’s evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

19 **Opposing Party’s Position:** Plaintiff provided his response in a separate  
20 document. *See* Matsushima Decl., ¶ 18, Ex. I.

21 **XXIV. INTERROGATORY NO. 24**

22 **Interrogatory:** STATE ALL FACTS in support of YOUR allegation that  
23 CSU created a “hostile environment,” as alleged in paragraph 105 of the  
24 COMPLAINT.

25 **Response:** Plaintiff provides this response based on either his current  
26 recollection, memory, and information reasonably available, or its entirety.  
27 Plaintiff, a witness to the events, specifically emphasizes that his claims are not an  
28 allegation, as characterized by this interrogatory, but rather is factual. On the basis

1 of Plaintiff's previously stated emphasis aforementioned above, Plaintiff  
2 specifically reaffirms to the entirety of all his given information towards case  
3 number 2:24-cv-03791 as the true integrity of the response to this interrogatory.

4       **Moving Party's Position:** A party may serve on any other party written  
5 interrogatories that "may relate to any matter that may be inquired into under Rule  
6 26(b)." Fed. R. Civ. P. 33(a). "The interrogatories must be answered . . . by the  
7 party to whom they are directed," and the answering party must sign the responses.  
8 *Id.* at Rule 33(b)(1)(A)-(2), (b)(5).

9       In responding to discovery, an "evasive or incomplete disclosure, answer, or  
10 response must be treated as a failure to . . . respond." *Id.* at Rule 37(a)(4). Courts  
11 have "unambiguously" rejected as deficient the assertion that the requested  
12 information is already in the propounding party's possession. *Nat'l Acad. of  
13 Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D.  
14 Cal. 2009). Moreover, although Rule 33(d) permits the responding party to  
15 "answer an interrogatory by specifying records from which the answers may be  
16 obtained and by making the records available for inspection," a "party that elects  
17 to avail itself of this option . . . must '*specify where in the records the answers  
18 [can] be found.*'" *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313,  
19 322 (C.D. Cal. 2004) (quoting *Rainbow Pioneer No. 44-18-04A v. Hawaii-Nevada  
20 Inv. Corp.*, 711 F.2d 902, 906 (9th Cir.1983)) (italics added); *see also Walt Disney  
21 Co. v. DeFabiis*, 168 F.R.D. 281, 284 (C.D. Cal. 1996).

22       If a party "fails to obey an order to provide or permit discovery," the court  
23 may "issue further just orders," including: prohibiting the disobedient party from  
24 supporting or opposing designated claims or defenses, or from introducing  
25 designated matters in evidence; striking pleadings in whole or in part; dismissing  
26 the action or proceeding in whole or in part; or rendering a default judgment against  
27 the disobedient party. Rule 37(b)(2)(A). A terminating sanction, while "very  
28 severe," is justified based upon a showing of "willfulness, bad faith, and fault."

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2     when evaluating termination sanctions); Fed. R. Civ. P. 37(b)(2)(A)(v). “The most  
3     critical factor to be considered in case-dispositive sanctions is whether ‘a party’s  
4     discovery violations make it impossible for a court to be confident that the parties  
5     will ever have access to the true facts.’” *Connecticut Gen. Life Ins. Co.*, 482 F.3d at  
6     1097 (quoting *Valley Eng’rs*, 158 F.3d at 1058. The party facing the sanctions  
7     “carries the burden of demonstrating that the failure to comply with” disclosure  
8     rules “is substantially justified or harmless.”” *Haas*, 679 F. Supp. 3d at 966  
9     (quoting *Jarrow Formulas, Inc.*, 2012 WL 3186576, at \*15).

10       Here, the Magistrate Judge previously found that CSU’s interrogatories consist  
11     of nonprivileged matters that are relevant to a party’s claim or defense, pursuant to  
12     Rule 26(b)(1), and ordered Plaintiff to “serve without objection verified answers to  
13     the subject interrogatories[.]” Disc. Order 1-2, ECF 67; Matsushima Decl., Ex. A.  
14     Nevertheless, Plaintiff served only a boilerplate, garbled, incomplete, evasive  
15     response to each and every interrogatory referring to his prior court filings, which is  
16     tantamount to a complete failure to respond. Fed. R. Civ. P. 37(a)(4). Plaintiff’s  
17     repeated failures to serve compliant responses thwarts the very purpose of  
18     discovery, which is “to remove surprise from trial preparation so the parties can  
19     obtain evidence necessary to evaluate and resolve their dispute.” *U.S. ex rel.*  
20     *Schwartz*, 211 F.R.D. at 392 (citing *Oakes*, 179 F.R.D. at 283).

21       Plaintiff’s failure to meaningfully participate in the discovery process has  
22     prejudiced CSU’s ability to evaluate and/or resolve this dispute. This matter cannot  
23     be tried on the merits because CSU currently has no access to the “true facts” of the  
24     case, beyond the information within its own possession. Importantly, this Court  
25     already warned Plaintiff of the potential for sanctions, including termination  
26     sanctions, that may result from his “failure timely to comply fully” with the Court’s  
27     Discovery Order. Disc. Order 2-3, ECF 67; Matsushima Decl., Ex. A. Due to  
28     Plaintiff’s failure to comply with this Court’s Discovery Order, CSU seeks

1 sanctions including attorney's fees and dismissal of this action or, in the alternative,  
2 an order excluding Plaintiff's evidence at trial. Fed. R. Civ. P. 37(b)(2)(A)(ii), (v).

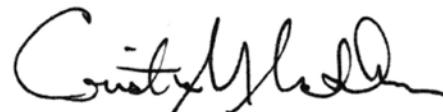
3 **Opposing Party's Position:** Plaintiff provided his response in a separate  
4 document. *See* Matsushima Decl., ¶ 18, Ex. I.

5

6 Dated: February 25, 2025

Respectfully submitted,

7 ROB BONTA  
8 Attorney General of California  
9 BENJAMIN G. DIEHL  
Supervising Deputy Attorney General

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11 CRISTINA M. MATSUSHIMA  
12 Deputy Attorney General  
*Attorneys for Defendant*

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14 Dated:

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17 EDWIN HAMID NAHAVANDI  
Plaintiff in *Pro Per*

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## CERTIFICATE OF SERVICE

Case Name: **Nahavandi v. Board of Trustees of the CSU**

No. **2:24-cv-03791 RGK(Ex)**

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I hereby certify that on February 25, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **LOCAL RULE 37 JOINT STIPULATION IN SUPPORT OF DEFENDANT'S MOTION FOR TERMINATING SANCTIONS AND MONETARY SANCTIONS OR, IN THE ALTERNATIVE, EVIDENTIARY SANCTIONS**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On February 25, 2025, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Edwin Nahavandi  
5710 Comanche Ave.  
Woodland Hills, CA. 91367  
[edwin.nahovandi@gmail.com](mailto:edwin.nahovandi@gmail.com)

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on February 25, 2025, at Los Angeles, California.

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Cecilia Apodaca  
Declarant

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/s/ Cecilia Apodaca  
Signature